## REMARKS

This Application has been carefully reviewed in light of the Office Action mailed on September 23, 2005. Claims 1-39 are pending in the Application. Claims 1-39 were rejected in this Office Action. Claims 12, 13, 35, and 36 have been amended. Claim 38 has been cancelled. Applicants respectfully request reconsideration and favorable action in this case.

### Rejections Under 35 U.S.C. § 102(b):

Claims 19-27 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,960,170 to Eva Chen, et al. ("*Chen*"). Applicants respectfully traverse. Claim 19 recites the limitation: "communicating to the sensor a desire to create a modified signature from a signature to be modifed." The Office Action relies on column 6, lines 41-42 of *Chen* to teach this limitation, however this reliance is misplaced. This passage of *Chen* states "continuing with a typical example, the request can be provided by client 300 in the form a request directed to the virus detection server 400 before proceeding with the determination of whether a virus is associated with the client 300." The "request" in *Chen* refers to a request for a virus scan (column 6, line 34), and not Applicants' claim 19 limitation "communicating to the sensor a desire to create a modified signature from a signature to be modifed." In addition, claim 19 recites the limitation "receiving from the sensor data indicative of parameters and associated values for the signature to be modified." The Office Action relies on column 7, lines 25-27 of *Chen* to teach this limitation, however this reliance is misplaced. This passage of *Chen* states: "in step 215, an initial virus detection object is produced by the virus detection server 400 and transmitted to the client 300. The virus detection objects include a program or code that the client 300 is capable of executing as well as data." Nowhere does this citation from *Chen* teach "receiving from the sensor data indicative of parameters and associated values for the signature to be modified." Instead, the cited passage of *Chen* teaches producing an executable virus detection object and transmitting the object to a client. For at least these reasons, claim 19 should be allowed, as should claims 20-27 that depend therefrom.

Claims 35-39 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,279,113 to Vimal Vaidya ("*Vaidya*"). Applicants respectfully traverse. Independent claim 36 as amended recites "signature definitions comprising: <u>an engine parameter and an associated name for the engine parameter.</u>" The Office Action relies on column 9 lines 47-61 of *Vaidya* for teaching this limitation, however this reliance is

misplaced. This passage of *Vaidya* states that "an attack signature profile 198 can be represented as at least one expression 194 in combination with a signature attribute 196, wherein the expressions can be composed of search primitives 188, value primitives 190, and operators 192 . . . ." The passage goes on to explain a specific example of an expression. However, nowhere does the passage teach a signature definition that comprises an engine parameter and an associated name for the engine parameter. The citation does not mention engines at all nor does it teach signatures comprising engine parameters. For at least this reason, claim 36 as amended should be allowed as should claims 37-39 that depend therefrom. For similar reasons, claim 35 as amended should be allowed as well.

### Rejections Under 35 U.S.C. § 103(a):

Claims 1-6, 8, 10, 13, 28, and 31-34 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Vaidya* in view of U.S. Patent No. Re 36,417 to Alan S. Perelson ("*Perelson*"). Claim 1 includes the limitation "generating, for each of the one or more signature definitions, an inspector instance based on the data file." The Office Action concedes that this limitation is not found in *Vaidya* and relies on column 6, lines 6-24 of *Perelson*. Applicants respectfully traverse. This section of *Perelson* does not address this limitation. Instead, the section is a set of equations used by some embodiments of *Perelson* that "describes the probablity for different configuration of the test string of the protection file 16 and original string 10" (column 5, lines 23-25). As a result, the citation provided by the Office Action does not teach the above limitation. For this reason, claim 1 should be allowed as should claims 2-10 that depend therefrom.

The Office action also cites column 6, lines 6-24 of *Perelson* to teach the limitation, found in claims 13 and 28-34, of generating executable code based on signatures operable to detect instrusions associated with the signature. As stated above, this section of *Perelson* does not address this limitation. Instead, the section is a set of equations used by some embodiments of *Perelson* that "describes the probablity for different configuration of the test string of the protection file 16 and original string 10" (column 5, lines 23-25). For at least this reason, claims 13 and 28-34 should be allowed.

Claims 11 and 14-18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Vaidya* in view of *Ziese*. Claim 11 includes the limitation "automatically generating, for each of the one or more signatures defined in the default signature file, executable code operable to detect intrusions associated with the default signature." The Office action

concedes that *Vaidya* does not teach this limitation and relies on column 4, lines 51-56 of

*Zies*. Applicants respectfully traverse. This passage of *Zies* states as follows:

> Proceeding to step 52, the intrusion detection sensor 26 generating
> the update event automatically connects to the sensor update server
> 30 over the Internet 22. At decisional step 54, the intrusion
> detection sensor 26 automatically determines whether the sensor
> update server 30 includes an update 32 for the intrusion signatures
> 28.

Nowhere in this passage does *Zies* teach the limitation "automatically generating, for each of

the one or more signatures defined in the default signature file, executable code operable to

detect intrusions associated with the default signature." This passage of *Zies* instead teaches

the generating of an update event, automatically connecting to a sensor update server over the

Internet, and automatically determining whether the server includes an update for instrusion

signatures. Nowhere does it teach automatically generating executable code for signatures

defined in a default signature file as recited by claim 11. For at least this reason, claim 11

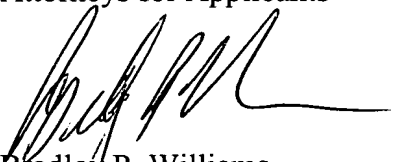should be allowed, as should claims 12-18 that depend therefrom.

## CONCLUSION

Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicants respectfully request full allowance of all pending Claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, please feel free to contact the undersigned attorney for Applicants.

Applicants do not believe that any fees are due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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